

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 1:25-CV-21176-DPG

DAVID JANNETTI, SARAH LYN
JANNETTI, ADAM JANNETTI, and
LEAH JANNETTI,

Petitioners,

v.

STIFEL, NICOLAUS & CO., INC.,

Respondent.

**RESPONDENT'S NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF
MOTION TO VACATE ARBITRATION AWARD**

Respondent submits the attached, recent decision by the Director of FINRA Dispute Resolution Services in *Mark Sustana v. Stifel, Nicolaus & Co., Inc.*, FINRA Arb. 25-01756, to exclude an arbitrator for bias and lack of impartiality (**Exhibit A**) as supplemental authority in support of its Motion to Vacate Arbitration Award (Dkt. 27).

In *Sustana*—another arbitration brought by Petitioner’s counsel similar to the underlying arbitration here—the Director removed a candidate arbitrator on the ranking list because he earlier awarded “substantial damages and attorneys’ fees” against Stifel in another similar arbitration. The Director explained, “[t]he interest or bias must be definite and capable of reasonable demonstration, rather than remote or speculative,” the earlier arbitration “involved the same Respondent, the same financial advisor, the same supervisors, and the same products,” and “[b]ased on the similarities between the two cases, *it is reasonable to infer that [the arbitrator] may be biased or lack impartiality in the present case.*” (Exhibit A (emphasis added)). The Director removed the arbitrator even though the earlier award did not include punitive damages,

whereas the earlier award here does. The Director's order is relevant to Section II.A of Stifel's Motion. (*See* Dkt. 27 at 12-20).

Respectfully submitted,

October 30, 2025

GREENBERG TRAURIG, P.A.
333 S.E. 2nd Avenue, Suite 4400
Miami, Florida 33131
Telephone: (305) 579-0500
Facsimile: (305) 579-0717

By: /s/ Michael N. Kreitzer
MICHAEL N. KREITZER
Florida Bar No. 705561
kreitzerm@gtlaw.com
Merlande.Moise@gtlaw.com
MIALitDock@gtlaw.com
PHILLIP M. SOVEN
Florida Bar No. 1035504
phil.soven@gtlaw.com

Robert A. Sacks (*admitted pro hac vice*)
Robert M.W. Smith (*admitted pro hac vice*)
SULLIVAN & CROMWELL LLP
1888 Century Park East, Suite 2100
Los Angeles, CA 90067-1725
Telephone: (310) 712-6600
sacksr@sullcrom.com
smithrob@sullcrom.com

G. Wayne Hillis, Jr. (*admitted pro hac vice*)
Scott E. Zweigel (*admitted pro hac vice*)
V. Justin Arpey (*admitted pro hac vice*)
BRADLEY ARANT BOULT CUMMINGS LLP
Promenade Tower, 20th Floor
1230 Peachtree Street NE
Atlanta, GA 30309
Telephone: (404) 868-2001
Facsimile: (404) 868-2010
whillis@bradley.com
szweigel@bradley.com
jarpey@bradley.com

Attorneys for Respondent Stifel, Nicolaus & Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was e-filed this October 30, 2025, and served to counsel of record for all parties via the Court's CM/ECF system.

/s/ Michael N. Kreitzer

MICHAEL N. KREITZER